

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Susan Waters,

Plaintiff,

vs.

Philips Medical Systems, N.A., Inc.,

Defendant.

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CIVIL ACTION NO.

03 CV 12480 NG

LOCAL RULE 16.1(D) JOINT STATEMENT

Now come the Parties, Susan Waters and Philips Medical Systems, by their respective counsel and, in compliance with Local Rule 16.1(D), state as follows:

(1) Joint Discovery Plan (Phase I, early evaluation)

(a) Plaintiff's Proposed Discovery - Rule 30(b)(6)

Deposition of Philips, and, if needed, Deposition of Defendant's Managing Agent (Plaintiff's Supervisor) or other, the total number of Phase I depositions not to exceed four. Deposition notices, Interrogatories and Requests for Production of Documents all served on or before June 1, 2004. All Phase I discovery completed on or before August 31, 2004.

(b) Defendant's Proposed Discovery - Deposition of Plaintiff, and, if needed, any other depositions Defendant deems necessary, the total number of Phase I Depositions not exceeding

four. Deposition notices, Interrogatories and Requests for Production of Documents all served on or before June 1, 2004. All Phase I discovery completed on or before August 31, 2004.

(c) Phased Discovery - As above, Phase I. Phase II, as below, will additionally include all remaining Rule allowed Depositions (six), expert discovery, dispositive motions, if any, and generalized trial preparations. The objective of such Phasing is to put the parties into a position to attempt meaningful mediation between September 1, 2004 and October 1, 2004. Failing success, Phase II will commence.

(2) Proposed Schedule for Phase II -

Parties' Position -

All remaining fact Discovery requests, including the remaining rule allowed depositions (six per side), to be served on or before October 30, 2004, and completed by January 15, 2004. Plaintiff's expert disclosures served on or before November 1, 2004; Defendant's by December 1, 2004. Expert depositions, if any, may be taken at any time between November 15, 2004 and March 1, 2005. Dispositive motions, if any, filed and served on or before March 1, 2005. It is not anticipated by the Parties that expert discovery, if any, will have any bearing on dispositive motions. Parties ready for trial on or before April 1, 2005.

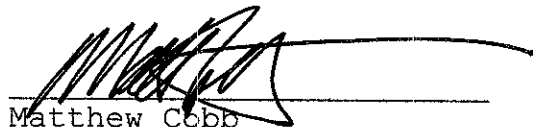
(3) Certifications - Certifications pursuant to Local Rule 16.1(D) are filed under separate cover.

Parties' Position on USMJ and ADR - the Parties are continuing to discuss referral to USMJ for all purposes, but presently cannot so commit. As to ADR, please see above.

Respectfully submitted,

Susan Waters,
By her attorney,

Philips Medical
By its attorney,


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